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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JESUS LIZARRAGA,  
Petitioner,  
v.  
STEPHEN SMITH, Acting Warden,<sup>1</sup>  
Respondent.

Case No. CV 23-5411 JWH (PVC)

**ORDER ACCEPTING FINDINGS,  
CONCLUSIONS AND  
RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE  
JUDGE**

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<sup>1</sup> Stephen Smith, Acting Warden at Pelican Bay State Prison, where Petitioner is currently incarcerated, is substituted for his predecessor pursuant to Rule 25(d) of the Federal Rules of Civil Procedure

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the  
2 records and files herein, and the Magistrate Judge's Report and Recommendation.  
3 The time for filing Objections to the Report and Recommendation has passed and  
4 no Objections have been received. Accordingly, the Court hereby **ORDERS** as  
5 follows:

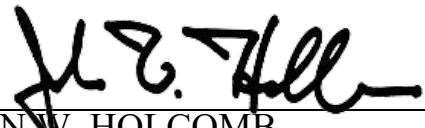
6 1. The findings, conclusions, and recommendations of the Magistrate  
7 Judge are **ACCEPTED** and **ADOPTED**.

8 2. The Petition is **DENIED**, and this action is **DISMISSED without**  
9 **prejudice**.

10 3. The Clerk is **DIRECTED** to serve copies of this Order and the  
11 Judgment herein on Petitioner at his current address of record.

12 **IT IS SO ORDERED.**

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14 DATED: November 1, 2023

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17 JOHN W. HOLCOMB  
18 UNITED STATES DISTRICT JUDGE  
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